REMARKS

Status of Claims

In the Office action, the Examiner noted that Claims 1-16, 18-27, 29-33, 35-53 and 55-76 were pending in the application, and all claims were rejected.

By the present Amendment, Claims 1-12, 18-20, 23-27, 29, 35, 36, 39-50, 55, 57, 60-68 and 70-75 have been amended, and Claim 76 has been cancelled without prejudice. Claims 1-16, 18-27, 29-33, 35-53 and 55-75 remain pending in the application.

The rejections are addressed in succession below.

Rejection under 35 U.S.C. §112, First Paragraph

On page 2 of the Office Action, Claim 76 was rejected under 35 U.S.C. §112, First Paragraph. By the present Amendment, Claim 76 has been cancelled without prejudice so that the rejection of this claim is moot.

Rejection of Claims 1-16, 18-27, 29-33, 35-53, and 55-76 under 35 U.S.C. §112, Second Paragraph

On page 3 of the Office Action, Claims 1-16, 18-27, 29-33, 35-53, and 55-76 were rejected under 35 U.S.C. §112, Second Paragraph. One basis for this rejection appears to be that these Claims do not recited the origination of the HTML document executed by the client device's web browser, i.e., where it is transmitted from. By the present Amendment, Claims 1-16, 18-27, 29-33, 35-53, and 55-76 have been amended to recite that the client device stores the HTML document. Persons of ordinary skill in the art understand that in a client-server network environment, an entire HTML document can originate from one web server, or parts of such HTML document can originate from more than one web server, and these web servers can be local or remotely located, e.g., across the Internet. Furthermore, the entire HTML document or

parts thereof may be cached locally within the client device (for example, due to previously downloading the document from a server). In addition, as the specification and Claims make clear, a portion of the HTML document originates from the scanner. Regardless of the origination of the various parts of an HTML document, the HTML document itself is ultimately stored in the client device. Thus, Claims 1-16, 18-27, 29-33, 35-53 and 55-75 have been amended to so state. It is submitted that this Amendment overcomes the rejection.

On page 4 of the Office Action, the Examiner noted that Claims 1, 27, 41, 50, 55, and 57 recite using a send data signal or second command at the client device to send document data and index data to a server. The Examiner appears to object to the fact that the specification states "the browser 32 includes an address field for entering a network address such as a universal resource locator (URL) for uploading the document data 40 and optional index data 41 from the processor 12 to the server(s) 28, 29." It is submitted that the recitations of Claims 1, 27, 41, 50, 55, and 57 and the excerpted part of the specification are entirely consistent. The user can operate the client device to generate a scan data signal which causes the client device to transmit its data to a server for storage. Claims 1, 27, 41, 50, 55, and 57 have been amended to state that the generation of the send data signal causes the document data and optional index data to be transmitted from the client device to the server. Withdrawal of the rejection is requested.

Rejections of Claims 1, 3-16, 20-27, 29-33, 37-53, 55-60, 63-69, and 72-76 under 35 U.S.C. §102(e) based on Killcommons (U.S. Patent 6,424,996 B1)

On page 5 of the Office Action, Claims 1, 3-16, 20-27, 29-33, 37-53, 55-60, 63-69, and 72-76 were rejection under 35 U.S.C. §102(e) based on Killcommons. The Killcommons patent and the reasons that Claims 1, 3-16, 20-27, 29-33, 37-53, 55-60, 63-69, and 72-75 as amended are patentable over the prior art are addressed in succession below. Claim 76 has been canceled without prejudice so that the rejection of this Claim is moot.

1. Killcommons (U.S. Patent 6,424,996 B1)

Killcommons discloses in relevant part a system which includes a server 20, the first user unit 50 with browser 52 and enhancement module 54, and modality 16 (FIG. 1; Col. 4, Lines 31-46; Col. 5, Lines 5-22; Col. 6, Lines 64-67; Col. 7, Lines 1-14). The modality 16 can be a flatbed scanner (Col. 7, Lines 33-34). User unit 50 and server 20 may be in communication through a network connection 56 which can include a telephone line, local area network (LAN), or wide area network (WAN) via SLIP, PPP, online service, XDSL, satellite, wireless, or ISDN links using an HTTP connection (Col. 10, Lines 60 - Col. 11, Line 3). User unit 50 includes a platform 51 that can be a personal computer (Col. 11, Lines 4-7). User unit 50 makes use of a browser 52, i.e., Web browser software, to communicate with the server 20 (Col. 11, Lines 18-22). User unit 50 further includes a browser enhancement module 54 that runs within the browser 52 of the user unit 50 (Col. 11, Lines 30-32) which can be an ActiveX control (Col. 11, Lines 40-44). The enhancement module 54 may include a user interface 72 with one or more interface pages 73, e.g., Web pages having various manipulation elements 74 for dictating how data is viewed within the interface (FIG. 4; Col. 13, Lines 7-10). Manipulation elements 74 include a screen control group that has a window / level control 102 for adjusting the size and horizontal level of radiology images 75 within a UI page 73 (FIG. 4; Col. 13, Lines 30-43). A magnification control 106 provides for enlargement of a region of interest, i.e., a selected portion of the image (FIG. 4; Col. 13, Lines 59-63). A zoom control 108 is also provided to increase the size of the entire screen (FIG. 4; Col. 13, Lines 63-64). A mirror control 110 can be used to obtain the mirror view of an image (FIG. 4; Col. 14, Lines 2-5). A rotate control 112 can be used to rotate an image (FIG. 4; Col. 14, Lines 5-7). Arrow control 124 and freehand control 126 can be used to make annotations to a displayed image 75 by creating lines on the image (FIG. 4; Col. 6, Lines 64-67; Col. 14, Lines 48-51). Enhancement module 54 provides for direct control of operations of a variety of medical modalities by a modality control unit 78 (FIG. 4; Col. 15, Lines 17-20). Through this unit, the user unit 50 can control a plurality of modality operations, such as the settings during data acquisition, on/off, etc. (FIG. 4; Col. 15, Lines 20-23). Settings

and the like are referred to as 'parameter data' (Col. 6, Lines 53-64) which is distinguished in Killcommons from 'annotation data' for notes made by a medical practitioner (Col. 6, Lines 64-65).

2. Claims 1, 3-16, 20-27, 29-33, 37-53, 55-60, 63-69, and 72-75 Are Patentable Over the Prior Art

Anticipation under 35 U.S.C. §102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference. *In re Spada*, 911 F.2d 705, 708 (Fed. Cir. 1990). The language of 35 U.S.C. 102 stating "A person shall be entitled to a patent unless-..." has been interpreted as putting the burden on the Examiner to establish a *prima facie* case of anticipation. *In re Gene R. Wilder*, 429 F.2d 447, 450 (CCPA 1970). "Only if this burden is met does the burden of coming forward with rebuttal argument or evidence shift to the applicant." *In re Rijckaert*, 9 F.3d 1531, 1532 (Fed. Cir. 1993).

Relative to the subject application, the Office action fails to set forth a *prima facie* case of anticipation under 35 U.S.C. 102. Even if a *prima facie* case is assumed *arguendo*, the claimed invention is distinguishable over the prior art of record for at least the reasons set forth below.

Claim 1 as amended recites " generating a display based on a hypertext mark-up language (HTML) document" ... "the display including a document display portion, an index field portion, and a control portion all visibly defined in the display **in separate portions thereof** by the HTML document." Support for this limitation is found, for example, in FIG. 3 of the subject application and corresponding description. Further, Claim 1 as amended recites "the document display portion including a display of document data **received from a scanner coupled to the client device, the scanner generating the document data by scanning a document in print form, the document data** representing the scanned document." Support for this limitation is found throughout the specification, for example, in FIGS. 5A-5C, pages 13-14 of the subject application. Claim 1 further recites "the index field portion permitting index data to be input **by a user with an input device of the client device into** the user interface in association with the document data." Support for this limitation is found, for example, in FIGS. 5A-5C, page 15 of

the subject application. In addition, Claim 1 as amended recites "...the index field portion permitting index data to be input by a user with an input device of the client device into the user interface in association with the document data..." Support for this limitation is found, for example, in FIGS. 5A-5C, page 15 of the subject application. Killcommons has no index field portion that permits a user to enter index data as recited in Claim 1 as amended. Although Killcommons mentions an arrow control 124 and freehand control 126 that can be used to make annotations, notes or captions to a displayed image 75 by creating lines on the image (FIG. 4; Col. 14, Lines 48-51), annotations and notes are not entered into a field separate from the image: instead, they are written directly onto the image and must necessarily obscure the image to a degree. In addition, in the subject application, index data is not defined as notes, annotations or captions written on an image, but is instead defined as document name, identification number, index path indicating a subdirectory in which the scanned document is to be stored at a server, text explaining the nature of the document or matter or transaction to which the document relates. See page 12 of the subject application. Annotations and notes made by a clinician are not comparable to the index data recited in Claim 1 as amended.

Moreover, Claim 1 as amended recites a "control element operable by the user with the input device for generating a start scan signal to initiate scanning of the document with the scanner to generate the document data..." that is displayed in the document display portion. Support for this limitation is found in FIGS. 5A-5C, page 15 of the subject application. Although Killcommons discloses a modality control unit 78 that can be used to control modality operations such as "settings during data acquisition, on/off, etc.," Killcommons does not state that the user or operator activates one of the control elements 74 to do so. In other words, the modality control unit 78 / user unit 50 are not described as controlling the modality 16 in response to an operator's actions. In addition, Killcommons fails to mention any control element defined in a control portion of a display within a browser that can be used to initiate a scanner's operation to scan a document as recited in Claim 1 as amended. Accordingly, Claim 1 as amended is distinguishable from Killcommons for this additional reason.

Furthermore, Claim 1 as amended recites that the control element is operable by the user with the input device "...**for generating** a send data signal to transmit the document data with the index data displayed by the web browser from the client device to **the** server over a network **using a destination address for the server specified in an address field of the web browser**." Support for this limitation is found, for example, in FIGS. 2, 3, 4, 5A-5C, pages 9-15 of the subject application. Such feature of the Claim 1 is not disclosed in Killcommons, as examination of FIG. 4 of this patent will reveal. Thus, for all of these reasons, it is submitted that Claim as amended is patentable over the prior art of record.

Claims 3-8 depend, directly or indirectly, from Claim 1 as amended and include all of the limitations of that claim plus additional limitations that are not disclosed in the prior art. For example, Claim 6 recites that the control element can be activated by the user with the input device to scale the document data to fit within the document display portion of the display. In addition, Claim 7 recites that the control element can be activated by the user with the input device to scale the document data for display on the document display portion of the display. At least these features of the claimed invention are not disclosed in Killcommons. Thus, for at least these reasons in addition to those stated above with respect to Claim 1 as amended, it is submitted that Claims 3-8 are patentable over the prior art.

Claim 9 has been amended to recite a step (a) of "generating **at a client device** a start scan signal using a control element defined by a hypertext mark-up language (HTML) document **stored in the client device and** displayed by a web browser of a user interface of **the** client device **in response to a user's operation of an input device of the client device**." Support for this limitation is found, for example, in FIGS. 2, 3, 4, 5A-5C and corresponding description on pages 9-15 of the specification (more specifically, see, e.g., FIG. 2, page 9 and FIGS. 5A-5C, page 14 of the specification). This feature of the claimed invention is not disclosed in Killcommons which does not disclose any control element for controlling a scanner in its interface page 73 shown in FIG. 4 of Killcommons. Although Killcommons does disclose that its enhancement module 54 can be used for direct control of medical modalities 16 by a modality control unit 78, there is no disclosure that this can be done in response to a user's activation of a

control element defined in interface page 73. Also, although Killcommons discloses that the user unit 50 may control settings during data acquisition, turning the modality on/off, etc. (Killcommons; Col. 15, Lines 20-23), none of this relates to the operation of starting a scan of a document by a scanner as recited in Claim 9 as amended. Thus, it is submitted that Claim 9 is amended patentably distinguishes over the prior art for at least these reasons.

Claims 10-26 depend, directly or indirectly, from Claim 9 as amended and include all limitations of that Claim plus additional limitations that are not disclosed by the prior art. For example, Claim 10 recites that generating the start scan signal "is performed by depressing and releasing a control element of the user interface of the client device using a mouse **constituting at least part of the input device**." Support for this limitation is found, for example, in FIG. 2, page 9 of the specification. This feature is not disclosed in Killcommons. Claim 15 recites that the "adjusting of said step (j) includes scaling the display of the scanned document to fit within the document display portion of the display of the user interface of the client device." This feature of the claimed invention is also not disclosed in Killcommons. Furthermore, Claim 16 recites that "the adjusting of said step (j) includes generating the display as the scanned document on the user interface of the client device with the same scale of the scanned document. This feature is not disclosed in Killcommons. Claim 19 recites a step (l) of "generating a selection signal **via a user's operation of a control element defined within the web browser of** the client device indicating at least one of the first, last, next and previous scanned documents for display," and a step (m) of "displaying the document data for one of the scanned documents **within the web browser of the client device**, based on the selection signal generated in said step (l)." Support for the added limitations is found in FIGS. 2, 3, 4, 5A-5C, pages 9-15 (see, e.g., FIG. 5A, page 15 of the specification). Killcommons fails to disclose this feature but instead displays all images at once for selection by the user, thus necessarily limiting the size and readability of the displayed images. Further, Claim 20 recites a step (k) of "user inputting predetermined index data into an index field defined by the HTML document **separately from a document display portion in which the document data from the scanner is** displayed by the web browser of the user interface of the client device." Support for this limitation is found, for

example, in FIG. 3 of the subject application. This feature of the claimed invention is not disclosed in Killcommons, and provides the capability to index or 'code' scanned documents. Killcommons discloses annotation data that is written on an image 75 using controls 124, 126, which must necessarily obscure the image to a degree (see, e.g., Killcommons; Col. 6, Lines 64-67; Col. 14, Lines 47-57). To the contrary, in the subject application, 'index data' is defined as "a document name, identification number, index path indicating a subdirectory in which the scanned document is to be stored at a server, text explaining the nature of the document or matter or transaction to which the document relates." (see, e.g., page 12 of the subject application). Furthermore, even assuming that the notes, annotations or captions of Killcommons are comparable to index data (to the contrary, Applicant submits they are not for at least the reasons stated above), the indexing of scanned documents by entry of data in a field apart from the document display portion permits indexing without obscuring the image as results in the notes and annotations of Killcommons which must be made directly on an image. In addition, Claim 20 recites a step (m) of "transmitting the document data and index data from the client device to the server over an internetwork in response to the send data signal generated in said step (l)," and a step (n) of "receiving the document data and index data at the server." Although Killcommons discloses an email control 138, this control is used to cause the server 20 to send data to another location: it is not used to cause the client device to transmit document data and index data to a remote server for storage. Moreover, in view of the distinction of "index data" in the claimed invention as opposed to "notes" or "annotations" in Killcommons, Killcommons necessarily could not disclose steps (m) and (n) of transmitting the document data and index data from the client device to a server over an internetwork" as recited in Claim 20 as amended. Furthermore, Claim 20 recites a step (o) of "storing the document data in association with the index data in a database of a data storage unit separate from the server." Support for this limitation is found, for example, in FIGS. 1 and 2 of the subject application. This feature of the claimed invention also is not disclosed in the prior art. Claim 21 recites that "the index data includes predetermined identification data to identify the document." Killcommons fails to disclose that notes, annotations or captions made with its controls 124, 126 have any relevance to identifying the

scanned document. Claim 22 recites that "the document data and the index data are transmitted between the server and client device in hypertext transfer protocol (HTTP)." Although Killcommons discloses that its network connection 56 can be in HTTP format, it does not disclose anything comparable to transmitting document data and index data in HTTP. To the contrary, Killcommons fails to disclose any 'index data' whatsoever as defined in the subject application. In addition, the control element 138 in FIG. 4 that can be used to email an image 75 to another location via the server 20, but email involves simple mail transfer protocol (SMTP), not HTTP, as recited in Claim 22. In addition, Claim 23 of the Killcommons patent discloses that "...the start scan signal is input by the user with the input device via a common control element displayed within the web browser of the user interface that toggles between a first scan mode for the performance of said step (a) and a second send mode for the performance of said step (m)." Support for the added limitations is found, for example, in FIG. 3 and FIG. 5A and corresponding description on pages 10-14 of the specification. This feature is not disclosed in Killcommons. This feature facilitates a user's operation of the client device to scan and transmit document data from a scanner to a server by not requiring an input device such as a mouse to be moved in order to perform these functions. Claim 24 recites that "...the start scan signal is input by a user with the input device via a first control element displayed within the web browser of the user interface for a first scan mode in the performance of said step (a) and the send data signal is input by a user with the input device via a second control element displayed within the web browser of the user interface in the performance of said step (m)." Support for the added limitations is found, for example, in FIG. 3 and FIG. 5A and corresponding description on pages 10-14 of the specification. These features of the claimed invention are not disclosed in Killcommons which fails to disclose any first control element displayed within a web browser that permits a user to input the start scan signal to initiate scanning of a document with an input device. Moreover, Killcommons fails to disclose a second control element that is displayed within the web browser of the user interface in the performance of transmitting the document data and index data from the client device to the server over an internetwork in response to the send data signal, as recited in Claim 24 as amended. At least

these features of the claimed invention are not disclosed by the prior art. Thus, for this reason as well as for the reasons stated above with respect to Claim 9 as amended, it is submitted that Claims 10-16 and 20-26 are patentable over the prior art of record.

Claim 27 as amended recites a step (a) of "generating a start scan signal using a control element defined by a hypertext mark-up language (HTML) document **stored in the client device and** displayed by a web browser of a user interface of a client device, **the control element operated by a user with an input device of the client device**." Support for the added limitations is found, for example, at FIG. 2 and FIG. 5A, pages 9 and 14 of the subject application. This step of the method of Claim 27 is not disclosed in Killcommons. More specifically, as shown in FIG. 4 of Killcommons, there is no control element that can be used to control a scanner from the interface page 73. In addition, step (j) of Claim 27 has been amended to recite that the index data is input into a field defined **separately from the document data** in the HTML document displayed by the web browser. Killcommons is configured only to permit entry of notes, annotations or captions using controls 124, 126 onto an image 75 of the interface page 73. Thus, in Killcommons, index data cannot be entered without obscuring at least part of the image 75, unlike the claimed invention which defines a separate field for entry of index data. In addition, the notes, annotations or captions of Killcommons appear to have no relation to indexing and are thus not index data and further distinguishable from Killcommons on this basis. More specifically, the 'index data' is defined as "a document name, identification number, index path indicating a subdirectory in which the scanned document is to be stored at a server, text explaining the nature of the document or matter or transaction to which the document relates." (See, e.g., page 12 of the subject application). Thus, steps (j) and (l), (m), and (n) of Claim 27 as amended which recite steps involving index data, are necessarily not disclosed in the prior art. Furthermore, Claim 27 recites a step (l) of "transmitting document data and index data from the client device to the server over an internetwork in response to the send data signal generated in step (k) **using a destination address of the server specified in an address field of the web browser**." FIG. 4 of Killcommons includes no address field for specification of a destination address to which document data and index data are to be transmitted. Moreover, because

Killcommons fails to disclose storing the document data received in step (m) in association with the index data in a database of a data storage unit **separate from the server**, it is submitted that Claim 27 as amended is patentable over the prior art of record.

Claims 29-33 and 37-40 depend, directly or indirectly, from Claim 27 as amended and include all limitations of that claim plus additional limitations that are not disclosed by the prior art. For example, Claim 32 recites that "the adjusting of said step (o) includes scaling the display of the scanned document to fit within the document display portion of the display of the user interface of the client device." This feature is not disclosed in Killcommons. Furthermore, Claim 33 recites that "the adjusting of said step (o) includes generating the display of the scanned document on the user interface of the client device with the same scale as the scanned document." No such feature is disclosed in Killcommons. Claim 37 recites that "the index data includes predetermined identification data to identify the document." No such feature is disclosed in Killcommons. More specifically, even assuming *arguendo* that the annotations, notes or captions of Killcommons are comparable to 'index data' as defined in the subject application (to the contrary, annotations, notes or captions are not comparable to 'index data' for reasons previously explained), such annotations, notes or captions made on an image 75 using controls 124, 126 of the interface page 73 shown in FIG. 4 of Killcommons are nowhere disclosed to be for the purpose of identifying the image 75 on which such annotations, notes or captions are written. Thus, the limitations of Claim 33 are not disclosed in Killcommons. Claim 38 recites that "the document data and the index data are transmitted in step (l) between the server and client device in hypertext transfer protocol (HTTP) format." Although Killcommons discloses that the connection 56 between the user unit 50 and the server 20 can be HTTP, there is no disclosure that a scanned image 75 with anything comparable to 'index data' (as previously explained, the notes, annotations or captions of Killcommons are not 'index data' as defined in the subject application) are uploaded from the user unit 50 to the server 20 in HTTP format. Killcommons discloses an email control 138 that can be used to send data to another location via the server 20 after viewing the image 75. Email involves simple mail transfer protocol (SMTP), not HTTP. Thus, Claim 38 is distinguished from Killcommons. Claim 39 recites that "the start

scan signal and the send data signal are input by the user with the input device via a common control element defined within the web browser of the user interface that toggles between a first scan mode for the performance of said step (a) and a second send mode for the performance of said step (l)." Support for the added limitations is found in FIG. 3, pages 10-11 of the subject application, for example. Such features are not disclosed in the prior art. Killcommons fails to disclose anything comparable to index data, as previously explained, so Claim 39 necessarily is not disclosed by Killcommons. Also, although Killcommons discloses transmitting data via email using the e-mail control 138 of the interface page 73 in FIG. 4, this e-mail control has no dual function and is thus incapable of toggling between scan and send modes of operation. These features simplify the actions required of a person to scan, index, and upload a scanned document to a server for storage by not requiring movement of an input device such as a mouse, greatly increasing the person's efficiency. Claim 40 recites that "the start scan signal is input by the user with the input device via a first control element defined within the web browser of the user interface for a first scan mode in the performance of said step (a), and the send data signal is input by the user with the input device via a second control element defined within the web browser of the user interface in the performance of said step (l)." Killcommons has nothing comparable to the first control element defined within the web browser operable by the user with an input device to input the start scan signal, as recited in Claim 40, as review of FIG. 4 of Killcommons and corresponding description makes clear. Regarding the second control element of Claim 40, the only item that can even be remotely compared with this element is the e-mail control 138. However, this e-mail control 138 can only be used to send data to another location once it is already loaded onto the server 20 by undisclosed means. In other words, the Killcommons patent fails to disclose transmission of any document data or index data from the user unit 50 to the server 20. Thus, for these reasons as well as for the reasons stated above with respect to Claim 27 as amended, it is submitted that Claims 29-33 and 37-40 are patentable over the prior art.

Claim 41 recites a system comprising "a client device including a processor; a memory coupled to the processor; an input device coupled to the processor; and a display unit coupled to

the processor," "a scanner coupled to the processor" and "at least one server coupled to the processor." Claim 41 as amended further recites that the processor operates "under a predetermined control program stored in the memory to generate a display **on the display unit** based on a hypertext mark-up language (HTML) document **stored in the memory**, the display generated by the HTML document including a document display portion, an index field portion, and a control portion **separately defined in the display**." Claim 41 as amended further recites "...the document display portion displaying document data **received from a scanner, the document data** generated by scanning the document with the scanner" and "the index field portion permitting index data to be input **by a user** via the input device for association with the document data." Support for the added limitations is found, for example, in FIGS. 2, 3, pages 9-12 of the subject application. As FIG. 4 of Killcommons makes clear, Killcommons fails to disclose a document display portion, an index field portion, and a control portion **separately defined in the display**, as recited in Claim 41 as amended. This feature of the claimed invention facilitates a user's actions in scanning, indexing, and uploading documents. Killcommons discloses that controls 124, 126 can be used to make annotations, notes or captions on images 75. However, such annotations, notes or captions are not comparable to the 'index data' recited in Claim 41 as amended. 'Index data' is defined at pages 9-12 of the subject application to be a document name, identification number, index path indicating a subdirectory in which the scanned document is to be stored at a server, text explaining the nature of the document or matter or transaction to which the document relates. In addition, even assuming for sake of argument that annotations, notes or captions are comparable to index data, such annotations, notes or captions must be made directly on an image 75 in Killcommons, thus necessarily obscuring the image to a degree. Unlike Claim 41 as amended, Killcommons has no processor capable of generating an index field portion separated from the document display portion because annotations, notes or captions must be made directly on an image 75. Thus, Killcommons fails to teach a processor as defined in Claim 41 as amended, and accordingly Claim 41 is patentable over the prior art of record.

Moreover, Claim 41 as amended recites that the processor generates the display to include "the control portion including at least one control element operable by the user with the input device for use in generating at least a start scan signal to initiate scanning of the document with the scanner." Support for the added limitation is found, for example, at pages 10-11 of the subject application. Killcommons fails to disclose any such control element, as examination of FIG. 4 of Killcommons and the corresponding description reveals. Although Killcommons discloses a modality control unit 78 that can be used to control modality operations such as "settings during data acquisition, on/off, etc." (Killcommons; Col. 15, Lines 3-30), Killcommons does not state that the user or operator activates one of the control elements 74 to do so. In other words, the modality control unit 78 and user unit 50 are not described as controlling the modality 16 in response to an operator's actions. In addition, Killcommons fails to mention any control element defined in a control portion of a display that can be used to initiate a scanner's operation to scan a document as recited in Claim 41 as amended. Accordingly, Claim 41 as amended is patentable over Killcommons for these additional reasons.

Furthermore, Claim 41 as amended recites that the processor generates a display that includes "at least one control element operable by the user with the input device for use in ... generating a send data signal with the input device to transmit the document data with the index data to the server over a network using a destination address from an address field of the display of the client device." Killcommons fails to disclose several of these limitations. For example, in Killcommons, the email control 138 appears to be used to transmit images 75 already stored in the server 20 to another location (Killcommons; FIG. 4; Col. 14, Line 64 – Col. 15, Line 2). Thus, in Killcommons, it does not appear that the images 75 are transmitted from the user unit 50 to the server 20 by activation of the email control 138. In addition, as previously explained, Killcommons fails to disclose anything comparable to 'index data' recited in Claim 41 as amended. Thus, necessarily, Killcommons fails to disclose a processor that generates a display including a control element that can be operated by a user with an input device to generate a send data signal to transmit document data and index data to a server over a network, as recited in Claim 41 as amended. Furthermore, Claim 41 as amended recites that the processor

generates a display including a control element that can be operated by a user with the input device to generate a send data signal with the input device to transmit the document data with the index data to the server over a network **using a destination address from an address field of the display of the client device**. Examination of FIG. 4 of Killcommons reveals that its interface page 73 has no address field with a destination address of the server 20. Thus, for at least the foregoing reasons, each and every limitation of Claim 41 is not disclosed by Killcommons, and therefore no *prima facie* case of obviousness has been established. Accordingly, Claim 41 as amended is patentable over the prior art.

Claims 42-49 depend directly from Claim 41 as amended and include all limitations of that Claim plus additional limitations which are not disclosed by the prior art. For example, Claim 42 recites that "the control element alternates between generating the start scan signal and the send data signal between successive activations of the control element **by the user** with the input device." Support for the added limitation is found, for example, at pages 10-11 of the subject application. In contrast, Killcommons discloses no control element that can be used to both scan a document and transmit scanned document data and index data to a server with successive activations of the control element, a feature that facilitates a user's operation of the client device to scan and transmit document data from a scanner to a server by not requiring an input device such as a mouse to be moved in order to perform these functions. Claim 46 recites that "the control element can be **operated by the user** with the input device to scale the document data to fit within the document display portion of the user interface." This feature is not disclosed in Killcommons. Moreover, Claim 47 recites that "the control element can be **operated by the user** with the input device to scale the document data for display in the document display portion to the same scale as the scanned document." This feature, too, is not disclosed in Killcommons. Furthermore, Killcommons fails to disclose any manipulation element 74 that can be operated by the user with the input device to select document data from among a plurality of scanned documents for display on the document display portion of the display, as recited in Claim 48. Moreover, Claim 49 recites that "the server receives document data and index data from the client device," and "a database storage unit coupled to the server,

the database storage unit being separate from the server, for storing the index data in association with the document data from the processor." Support for the added limitation is found, for example, in FIGS. 1 and 2 of the subject application. The prior art fails to disclose any database storage unit that is separate from the server as recited in Claim 49. Accordingly, for at least these reasons as well as for the reasons stated above with respect to Claim 41 as amended, Killcommons fails to disclose each and every limitation of the claimed invention, and thus no *prima facie* case of anticipation under 35 U.S.C. 102 has been established. Accordingly, Claims 42 - 49 are patentable over the prior art.

Claim 50 recites "a client device; a scanner coupled to the client device; a server coupled to the client device via the network; and a database storage unit coupled to the server." Killcommons fails to disclose any database storage unit separate from a client device, scanner, and server. Accordingly, Claim 50 is patentable for this reason. Furthermore, Claim 50 recites that "the client device having a user interface capable of generating a display by execution of an hypertext mark-up language (HTML) document stored by the client device, the display including a document display portion, an index field portion, and a control portion separately defined in the display." Support for these limitations is found, for example, in FIG. 2, page 9 of the specification. In contrast, in Killcommons, there is nothing comparable to an index field portion for a user to enter index data for indexing a document. Although Killcommons discloses controls 124, 126 for annotating or providing notes on an image, such annotations, notes or captions are not index data serving the purpose of indexing the document. Furthermore, in Killcommons, any annotation or notes drawn on an image 75 using controls 124, 126 must be drawn directly onto the image, thus necessarily obscuring the image to a degree, unlike the claimed invention which provides a separate index field to permit a user to enter index data. In addition, Claim 50 recites a "control element operated by the user with the input device for use in generating at least a start scan signal with the input device to initiate scanning of a document with the scanner." Examination of FIG. 4 of Killcommons and its corresponding description clearly establishes that this feature is not disclosed in Killcommons. Moreover, Killcommons fails to disclose "a control element operated by the user with the input device ...

for use in generating a send data signal with the input device to transmit the document data with the index data to the server over the network using a destination address from an address field of a display, the server storing the document data and index data in the database storage unit." As is evident from FIG. 4, Killcommons fails to disclose at least these features of the claimed invention. Accordingly, no *prima facie* case of anticipation under 35 U.S.C. §102 has been established. Thus, it is submitted that Claim 50 as amended is patentable over the prior art of record.

Claims 51 - 53 depend from Claim 50 and include all limitations of that Claim. Thus, for at least the reasons stated above with respect to Claim 50, it is submitted that Claims 50 - 53 are patentable over the prior art.

Claim 55 recites "a plurality of subsystems coupled to the network, the subsystems having respective client devices capable of displaying document data included within respective hypertext mark-up language (HTML) documents displayed on corresponding web browsers thereof, at least one of the subsystems including a scanner coupled to a respective client device, the scanner generating the document data by scanning a document in print form based on a first command from a user entered into the web browser of the client device coupled to the scanner, the client device receiving the document data from the scanner and generating a display of the document data in the web browser thereof, the client device transmitting the document data based on a second command from the user entered into the web browser of the client device." Support for the added limitations is found, for example, at FIG. 2, and pages 5 and 9 of the subject application. Killcommons fails to disclose any scanner that generates document data based on a first command from a user entered into the web browser of the client device, as recited in Claim 55 as amended. Although Killcommons discloses that its user unit's modality control unit 78 can be used to control modality operations such as settings during data acquisition, on/off, etc., none of this relates to a user's entry of a command through a web browser to initiate scanning of a document with a scanner. In addition, Claim 55 as amended recites that the client device transmits document data based on a second command from the user entered into the web browser of the client device. This feature, too, Killcommons fails to

disclose as there is no disclosure of any transmission of document data originating from a scanner by a client device to a server in response to a user's entry of a command into a web browser of the client device. In addition, Claim 55 as amended recites "the server receiving the document data from the client device over the network **using a destination address specified in an address field of the web browser of the client device**." Support for the added limitation is found, for example, in FIG. 3 and page 13 of the subject application. This feature too is not disclosed in Killcommons as examination of FIG. 4 thereof reveals. Furthermore, Claim 55 recites "a database storage unit coupled to the server, **the database storage unit separate from the server**, the database storage unit storing the document data so that the subsystems can access the document data." Such architecture is not disclosed in Killcommons, which does not disclose a database storage unit separate from server 20 in FIG. 1 thereof. Accordingly, for at least the foregoing reasons, each and every limitation of Claim 55 as amended is not disclosed in the prior art. Thus, it is submitted that Claim 55 is patentable over the prior art of record for at least these reasons.

Claim 56 depends from Claim 55 and includes all the limitations of that claim. Thus, for at least the reasons stated above with respect to Claim 55 as amended, it is submitted that Claim 56 is patentable over the prior art.

Claim 57 recites a step (a) of "generating a display including a **display portion with a** view of the scanned document **within** a browser of a client device based on document data derived from the scan of a document **in print form**:" Claim 57 also recites a step (b) of "inputting predetermined index data into **at least one field of an index portion of a display within** the browser of the client device, **the field index portion defined in the display within the browser separately from the display portion**." Support for these limitations is found, for example, in FIGS. 2, 3 and pages 5 and 10-12 of the subject application. Killcommons fails to disclose any index field portion defined separately from a display portion within a browser of client device. As shown in FIG. 4 of Killcommons, the interface page 73 includes control elements 124, 126 which can be used to annotate images 75. In the subject application, index data is defined to be information that identifies the scanned document data, such as a document

name or identification number, an index path indicating a subdirectory into which the scanned document is to be stored at a remote server, and/or text explaining the nature of the scanned document or a matter or transaction to which the document relates (see, for example, page 12 of the subject application). Such index data is distinguishable from clinical notes, annotations or captions described by Killcommons (Column 14, Lines 53-57). In addition, in Killcommons, the notes, annotations or captions are entered directly over the image 75 using controls 124, 126, whereas in the claimed invention, the index field portion for receiving index data is defined separately from the document display portion on which the scanned document data is displayed. In addition, Claim 57 recites a step (c) of generating a send data signal from within the browser of the client device using a control element of a control portion that is defined separately from the index field portion and the display portion. This feature also is not disclosed in Killcommons which contains no disclosure regarding generating a send data signal to transmit anything comparable to document data and index data in response to a user's activation of a control element defined in a control portion of a display within a browser. In addition, Claim 57 recites a step of "transmitting document data and index data from the client device to a server over an internetwork **with the control element of the control portion using a destination address of a server identified in the address field of the browser** in response to the send data signal generated in step (c)." Support for the added limitation is found, for example, in FIGS. 2, 3 and 5C and pages 13 and 15 of the subject application. As is clear from FIG. 4, Killcommons fails to disclose a browser with an address field for receiving the destination address of the server to which document data and index data is to be uploaded in response to a send data signal generated by a user. In addition, Claim 57 recites a step (e) of "receiving document data and index data at the server." As previously explained, Killcommons fails to disclose any index data and thus necessarily discloses no step of receiving the document data and index data at the server. Moreover, Claim 57 recites a step (f) of "storing the document data in association with the index data **received from the server** in a database of the data storage unit **separate from the server**." Killcommons fails to disclose any data storage unit that is separate from a server (see, e.g., FIG.

1 of Killcommons). Thus, for at least these reasons, it is submitted that Claim 57 is patentable over the prior art.

Claims 58 and 59 depend, directly or indirectly, from Claim 57 and include all limitations of that claim plus additional limitations that are not disclosed in the prior art. For example, Claim 59 recites that "the send data signal is generated in step (c) by activating a control element defined in the HTML document." Killcommons fails to disclose this feature of the claimed invention. Thus, for at least this reason and the reasons stated above with respect to Claim 57, it is submitted that Claims 58 and 59 are patentable over the prior art.

Claims 63 - 69 depend indirectly from Claim 1 and include all limitations of that Claim plus additional limitations which are not disclosed in the prior art. For example, Claim 63 recites that "the index data input in said step (b) comprises a file path indicating the subdirectory on the server at which the scanned document is to be stored." Although Killcommons discloses use of controls 124, 126 to enter notes, annotations or captions on an image 75 of interface page 73 as shown in FIG. 4, such notes, annotations or captions are not comparable to index data comprising a file path indicating the subdirectory on the server at which the scanned document is to be stored. Claim 64 recites that "the index data input in said step (b) comprises text explaining the nature of the scanned document." Killcommons fails to disclose any index data let alone index data in the form of text explaining the nature of a scanned document. Claim 65 recites that "the index data input in said step (b) identifies a matter to which the scanned document relates." Killcommons fails to mention that its notes, annotations or captions (which are not index data) can be used to identify a matter to which the scanned document pertains. Claim 66 recites that "the index data input in said step (b) identifies a transaction to which the scanned document relates." Killcommons fails to mention that its notes, annotations or captions are relevant in any way to identifying a transaction to which a scanned document relates. Claim 67 recites a step (c) of "activating the control element by the user with the user interface to scan the document with a scanner to generate the document data." Although the Killcommons patent discloses a modality control unit 78 for controlling modality operations, such as the settings during data acquisition, on/off, etc., this disclosure does not relate to a user activating a control

element defined in a control portion of a display within a browser in order to scan a document with the scanner. Thus, this feature of the claimed invention is not disclosed in Killcommons. Claim 68 recites a step (d) of "activating the control element by the user to upload document data representing a scanned document to a server over a network." This feature of the claimed invention is not disclosed in Killcommons. Thus, for these reasons as well as for the reasons stated above with respect to Claim 1 as amended, Claims 60 and 63 - 68 are patentable over the prior art of record.

Claims 69 and 72 - 75 depend directly from Claim 27 and include all limitations of that claim plus additional limitations that are not disclosed by the prior art of record. For example, Claim 69 recites that "the index data input in said step (j) identifies the scanned document," Claim 72 recites that "the index data input in said step (j) comprises a file path indicating the subdirectory on the server at which the scanned document is to be stored," Claim 73 recites that "the index data input in said step (j) comprises text explaining the nature of the scanned document," Claim 74 recites that "the index data input in said step (j) identifies a matter to which the scanned document relates," and Claim 75 recites that "the index data identifies a transaction to which the scanned document relates." Killcommons fails to disclose any such index data as defined in Claims 69 and 72 - 75. Accordingly, for these reason and for the reasons stated above with respect to Claim 27 as amended, it is submitted that Claims 69 and 72 - 75 are patentable over the prior art of record.

Claim 76 has been canceled without prejudice so that the rejection of this claim is moot.

Rejection of Claims 2, 18, 19, 23, 35, 36, 61, 62, and 70-71 under 35 U.S.C. §103(a) based on Killcommons (U.S. Patent No. 6,424,996)

On Page 17 of the Office action, Claims 2, 18, 19, 23, 35, 36, 61, 62, 70 and 71 were rejected under 35 U.S.C. §103(a) based on Killcommons, the disclosure of which has been previously explained in detail.

The Examiner has the burden of establishing a prima facie case of obviousness under 35 U.S.C. §103(a). *Ex Parte Martin P. Hageman and Thomas J. Palus*, Appeal No. 2000-1514,

Application No. 09/038,450 (citing *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993)); *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only if the Examiner satisfies this initial burden does the burden of coming forward with evidence shift to the Applicant. *Id.* To satisfy this burden, the Examiner must show (1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) a reasonable expectation of success; and (3) the prior art reference, or references when combined, must teach or suggest all the claim limitations. M.P.E.P. §2143, 8th Ed., 2d Rev. The Examiner can satisfy this burden only by showing some objective teaching in the prior art or knowledge generally available to one of ordinary skill in the art suggests the claimed subject matter. As to motivation, use of hindsight, in effect using the Applicant's disclosure against the Applicant, is not permitted. *In re Fine*, 87 F.2d 1071, 1074, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Furthermore, the teaching, suggestion, or motivation to modify or combine features in an effort to obtain the claimed invention must be "clear and particular." *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Both the references and the claimed invention must be considered as a whole rather than piecemeal. *In re Antonie*, 559 F.2d 618, 620 (CCPA 1977); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984).

Even assuming the Examiner establishes a *prima facie* case of obviousness, the Examiner must further consider any evidence supporting patentability of the claimed invention. *In re Oetiker*, 977 F.2d 1443 (Fed. Cir. 1992). The determination of whether an invention is or is not obvious is a legal conclusion considering the based on underlying factual inquiries including: (1) the scope and content of the prior art; (2) the level of ordinary skill in the prior art; (3) the level of ordinary skill in the art; and (4) objective evidence of nonobviousness. *In re Dembiczak*, 175 F.2d 994, 998 (Fed. Cir. 1999) (*citing Graham v. John Deere, Inc.*, 383 U.S. 1, 17-18, 86 S.Ct. 684, 15 L.Ed.2d 545, 148 USPQ 459, 465 (1966)). Among the objective evidence that must be considered in an obviousness determination, are included: (1) commercial success of the

invention; (2) existence of a long-felt need in the art for the invention; (3) failed attempts of others; and (4) evidence of copying of the invention by others. *Id. See also Pro-Mold and Tool Co., Inc. v. Great Lakes Plastics, Inc.*, 75 F.3d 1568, 37 USPQ2d 1626 (Fed. Cir. 1996).

Claim 2 depends from Claim 1 as amended and includes all limitations of that claim plus additional limitations which are not disclosed in the prior art. For example, Claim 2 recites that "the control element **is operable by the user with the input device** to alternately generate the start scan signal and the send data signal with respective successive activations of the control element **with the input device**." This feature of the claimed invention enables a user to scan, index, and upload documents with greater speed than possible in the prior art because the input device (such as a mouse) need not be moved in order to alternately scan and upload a document. In repetitive operations such as coding of medical documents, these features of Claim 2 save the coder a significant amount of time and greatly increase the coder's efficiency. Killcommons fails to disclose this feature of the claimed invention. The Examiner admits that this feature of the claimed invention is not disclosed in Killcommons. However, the Examiner takes official notice that a control element can be used to alternately generate a start scan signal and a send data signal, and cites for this proposition a user widget interface referred to as a "toggle button" which is described in an IBM technical disclosure bulletin. According to this bulletin, the "toggle button" button has a TOGGLE action slot that changes the state (from on to off or off to on) by checking the state and activating the ON or OFF state. However, this technical bulletin nowhere suggests that its toggle button can be used "for generating a start scan signal to initiate scanning of **the** document with **the** scanner to generate the document data and **for generating** a send data signal to transmit the document data with the index data displayed by the web browser from the client device to **the** server over a network **using a destination address for the server specified in an address field of the web browser**," as recited in Claim 1 from which Claim 2 depends. Likewise, Killcommons fails to disclose this feature of the claimed invention. Thus, the taking of judicial notice is respectfully traversed since the bulletin does not provide support for the proposition for which judicial notice has been taken, namely, that toggle buttons for alternately generating a start scan signal to scan a document with a scanner, and a send data

signal to send document data and index data to a server over a network for storage, were known to those of ordinary skill in the art as of the filing date of the claimed invention. Moreover, objective evidence of nonobviousness including commercial success of the invention, a long-felt need in the art for the invention, failed attempts of others, and copying of the invention by others, has already been made of record (see, *e.g.*, Amendment filed May 7, 2004). Thus, the taking of official notice is respectfully traversed, and it is further submitted that Claim 2 is patentable over the prior art for the above reasons as well as for those reasons stated above with respect to Claim 1 as amended.

Claims 18 and 19 depend from Claim 9 as amended and thus include all limitations of that Claim plus additional limitations that are not disclosed by the prior art. For example, Claim 18 recites "generating a multiscan mode signal **via a user's operation of a control element defined within the web browser** at **the** user interface of the client device, said steps (e)-(g) repeatedly performed to generate document data for a plurality of documents, based on the multimode scan signal." Support for the added limitation is found, for example, in FIGS. 2, 3 and 5A, pages 10 and 14 of the subject application. Although Killcommons discloses that multiple images 75 can be viewed with an interface page 73, it fails to disclose generation of a multiscan mode signal to scan and generate document data, and transmit the resulting document data to the client device for a plurality of documents, as recited in Claim 18. Although the Office action alleges that Claim 18 merely replaces manual activity with automatic means for accomplishing the same result, it is submitted that Claim 18 is not merely automation of manual activity. As the prior art of record makes clear, there has previously been no automatic or manual way to scan a plurality of documents through a user's operation of a control element defined within a browser of a client device, to display and index those multiple images within the browser, and upload the same within the browser to a server for storage. Thus, Claim 18 is not mere automation of a known manual process: instead, it is a process that had not previously been known. Claim 19 recites a step (l) of "generating a selection signal **via a user's operation of a control element defined within the web browser of** the client device indicating at least one of the first, last, next and previous scanned documents for display" and a step (m) of "displaying the

document data for one of the scanned documents within the web browser of the client device, based on the selection signal generated in said step (l)." Support for the added limitations is found, for example, in FIGS. 2, 3, 4 and pages 3, 4 and 12-15 of the subject application. Killcommons does not disclose generation of a selection signal to indicate first, last, next and previous scanned documents for display. On page 20 of the Office action, the Examiner takes "Official notice" that "displaying document data for one of a plurality of documents using a control element that displays a first, last, next, and previous document in a user interface such as an HTML document displayed in a web browser or interface program within a web browser was well known in the art at the time the invention was made as "focus traversal" or "focus control." The claimed limitation is not related in any sense to "focus," so the taking of Official notice is traversed for this reason. Also, MPEP §2144.03A provides:

> Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. *In re Ahlert*, 424 F.2d 1088, 1091 (CCPA 1970)(*citing In re Knapp Monarch Co.*, 296 F.2d 230 (CCPA 1961).

The undersigned has briefly searched the Internet and the prior art of record, finding nothing before the critical date of this application that discloses generating a selection signal via a user's operation of a control element defined within the web browser of a client device indicating at least one of the first, last, next and previous scanned documents for display. This tends to demonstrate that the proposition for which Official notice is not capable of instant and unquestionable demonstration as being well-known. Review of the ScanPortal website of Exhibit 15 of the Amendment filed May 7, 2004 appears to have arrows indicating first, last, previous and next pages. However, its earliest possible date of publication of August 18, 2000 is well after the critical date for this application, as indicated by webarchive.org records. Thus, properly interpreted, the ScanPortal website is evidence of the commercial success of the invention, and may constitute copying of the claimed invention. At a minimum, it is evidence of

the recognition of the merit of the invention by others, and as such evidence of the nonobviousness of the claimed invention. Furthermore, the PTO has the burden of proving obviousness under 35 U.S.C. 103(a). *See, e.g.*, 35 U.S.C. 102, 103(a). *Ex Parte Martin P. Hageman and Thomas J. Palus*, Appeal No. 2000-1514, Application No. 09/038,450 (citing *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993)); *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). The Examiner cannot carry this burden by merely taking Official notice, as this in effect puts the burden on Applicant to prove the absence of prior art showing the claimed invention, which is contrary to the express language of 35 U.S.C. 102/103(a) as well as procedure established by numerous decisions of the Boards of Patent Appeals and Interferences, the Federal Circuit, and the U.S. Supreme Court. Thus, the taking of Official notice is respectfully traversed. In addition, it is submitted that Claims 18 and 19 are patentable over the prior art of record for at least these reasons as well as for those stated above with respect to Claim 1.

Claim 23 depends from Claim 9 as amended and recites that "the start scan signal and the send data signal are input by the user with the input device via a common control element displayed within the web browser of the user interface that toggles between a first scan mode for the performance of said step (a) and a second send mode for the performance of said step (m)." As noted above with respect to Claim 2, Killcommons fails to disclose any such control element activated by the user with an input device as recited in Claim 23, and the taking of judicial notice is respectfully traversed for similar reasons.

Similarly, Claims 35 and 36 depend from Claim 27 as amended and include all of the limitations of that claim plus additional limitations that are not taught or suggested by the prior art. For example, Claim 35 recites "generating a multiscan mode signal via a user's operation of a control element defined within the web browser of the user interface of the client device, said steps (e) - (g) repeatedly performed to generate document data for a plurality of documents, based on the multimode scan signal." Support for the added limitation is found, for example, in FIGS. 2, 3 and 5A, pages 10 and 14 of the subject application. Although Killcommons discloses